IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 2422 of 2005

Between:

C. Jai Shiva Rao, S/o. Pentaiah,
Cantonment Stores, Secunderabad. R/o. Mehadipatnam, Hyderabad.

..... PETITIONER

AND

The Contonment Executive Officer, Secunderabad Contonment Board, Court House Compound, Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue Writ Order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent herein the proposing to cause the promotion of the Junior Lower Divisional Clerks ignoring the petitioners claim for promotion considering the date of his actual date of appointment as 14.9.1994 as not otherwise apart from the inaction of the respondent is not considering the petitioner's representations dt.13-06-1997, 08-07-1997, 16-09-2000 and 9.2.2005 as being discriminatory, arbitrary, illegal, void and violative or right to life as guaranteed under Article 14, 15, 16 and 21 of the Constitution of India and consequently direct the respondent herein to promote the petitioner herein to the post of Upper Division Clerk and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.TULASI DAS

Counsel for the Respondent: MR.Y.V.RAVI PRASAD

The Court at the stage of admission made the following:

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2422 of 2005

ORDER:

The present writ petition has been filed to declare the action of the respondent proposing to cause the promotion of the junior Lower Divisional Clerks ignoring the petitioner's claim for promotion, as arbitrary and illegal.

2. Heard the learned counsel for the petitioner and the learned standing counsel for the respondent.

3 . The learned counsel for the petitioner submits that the petitioner approached the respondent vide his representations to consider his promotion by taking into consideration the date of his initial appointment as 14-09-1994 but the respondent prepared the seniority list ignoring the petitioner's case in giving promotion and therefore, a direction may be given to the respondent to take appropriate decision.

4. On considering the submissions made by the counsel for the petitioner and on perusal of the material available on record, without going into the merits of the case, I am of the considered opinion that the respondent has to take appropriate decision with regard to the eligibility of the petitioner for promotion to the post of Lower Divisional Clerk by taking into consideration the date of his initial appointment and all other aspects which are required to be promoted.

5 . Accordingly, the writ petition is disposed of with a direction to the respondent to take appropriate decision following the rules and regulations of the respondent-Corporation after giving reasonable opportunity to the petitioner in pursuance of his last representation dated
09-02-2005, within a period of four weeks from the date of receipt of a copy of this order. No costs.

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February 18, 2005

Note:

Issue C.C in one week.

B/o.

Kvr

To

1 The Contonment Executive Officer, Secunderabad Contonment

Board, Court House Compound, Secunderabad.

2 Two C.D copies.